

REMARKS

Claim 1 has been amended above. Support is provided in the tables on pages 17 and 18 of the specification. Reconsideration and allowance of the subject is respectfully requested.

Rejection Under 35 USC 112

Claim 1 is rejected under 35 USC 112, second paragraph as indefinite because designations iv), v), and vi) are used but no reference is made to i), ii) and iii). Claim 1 has been amended above to show i), ii) and iii), therefore the rejection has been overcome and should be withdrawn.

First Rejection Under 35 USC 102

Claim 1 is rejected under 35 USC 102(b) as being anticipated by US Patent 4,677,084 to Bergna (Bergna '084) or US Patent 4,769,477 to Bergna (Bergna '477). The Examiner points to various locations in the text of either of the Bergna references that apparently disclose the claimed invention. However, for a reference to anticipate it must disclose every element of the claimed invention. The Examiner states that the Bergna references teach that the solute can be phosphoric acid and that water is the preferred solvent, in which case an aqueous solution of phosphoric acid would be formed.

However, Claim 1 has been amended above to recite an aqueous solution of phosphoric acid having a specific concentration (i.e. 50 to 125 millimolar) that is not disclosed in the Bergna references. Therefore, it is respectfully submitted that the rejection has been overcome and should be withdrawn.

Second Rejection Under 35 USC 102

Claim 1 is rejected under 35 USC 102(e) as being anticipated by US Patent 6,107,238 to Contractor et al (Contractor). The Examiner uses Contractor in the same manner as the Bergna references above. Similarly, Applicants argue Claim 1 has been amended above to recite an aqueous solution of phosphoric acid having a specific concentration (i.e.) that is

not disclosed in Contractor. Therefore, it is respectfully submitted that the rejection has been overcome and should be withdrawn.

Rejection Under 35 USC 103

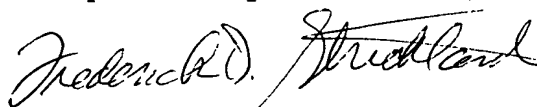
Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Contractor. The Examiner apparently offers the obviousness rejection as a fallback position from the anticipation rejection above. The Examiner suggests that it would have been obvious to select as solutes any combination of the compounds specifically disclosed in Contractor. Regardless, Contractor does not disclose or suggest an aqueous solution of phosphoric solution of 50 to 125 millimolar concentration as recited in Claim 1 as amended above. As such, the claimed invention would not have been obvious to one of ordinary skill in the art.

Therefore, it is respectfully submitted that the rejection has been overcome and should be withdrawn.

CONCLUSION

It is believed that the foregoing is a complete response to the outstanding office action. It is respectfully submitted that all rejections to Claims 1 have been overcome and that the application should proceed to Allowance. If any matters remain for resolution, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,



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Enclosures

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown in brackets [] and inserted material is shown as underlined.

IN THE CLAIMS:

1 (amended). Process for manufacture of an attrition resistant vanadium/phosphorous oxide catalyst comprising the steps of:

a) forming a slurry comprising;

- i) [iv)]vanadium/phosphorous oxide catalyst or vanadium/ phosphorous oxide catalyst precursor particles,
- ii) [v)]aqueous H_3PO_4 solution having a concentration of about 50 to about 125 millimolar, and
- iii) [vi)]optionally an aqueous colloidal silica sol, an aqueous polysilicic acid solution or mixture thereof;

b) spray drying the slurry from step (a) to form attrition resistant catalyst precursor solids; and

c) calcining the spray dried solids of step (b) to produce attrition resistant catalyst.